

Assembly Bill No. 557

Passed the Assembly May 21, 2009

Chief Clerk of the Assembly

Passed the Senate August 24, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 46003 of the Food and Agricultural Code, relating to organic products.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, Caballero. California Organic Products Advisory Committee: membership.

Existing law establishes the Department of Food and Agriculture under the control of the Secretary of Food and Agriculture and sets forth the powers and duties of the department and the secretary. Existing law, the California Organic Products Act of 2003, requires the secretary to establish the California Organic Products Advisory Committee for the purpose of advising the secretary regarding his or her responsibilities under the act and sets forth the membership and duties of the committee.

This bill would change the membership of the committee from 15 to 16 and would require that the additional member be a certifier accredited by the United States Department of Agriculture.

The people of the State of California do enact as follows:

SECTION 1. Section 46003 of the Food and Agricultural Code is amended to read:

46003. (a) The secretary shall establish an advisory committee, which shall be known as the California Organic Products Advisory Committee, for the purpose of advising the secretary with respect to his or her responsibilities under this act and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The advisory committee shall be comprised of 16 members. Each member may have an alternate. Six members and their alternates shall be producers, at least one of whom shall be a producer of meat, fowl, fish, dairy products, or eggs. Two members and their alternates shall be processors, one member shall be a wholesale distributor, two members shall be consumer representatives, one member shall be an environmental representative, two members shall be technical representatives

with scientific credentials related to agricultural chemicals, toxicology, or food science, one member shall be a retail representative, and one member shall be a certifier accredited by the United States Department of Agriculture. Alternates at large may be appointed to serve in the absence of any of the following categories: two alternates for producers, one alternate for processors, one alternate for consumer, and one alternate for technical representatives. Except for the consumer, environmental, and technical representatives, the members of the advisory committee and their alternates shall have derived a substantial portion of their business income, wages, or salary as a result of services they provide which directly result in the production, handling, processing, or retailing of products sold as organic for at least three years preceding their appointment to the advisory committee. The consumer and environmental representatives and their alternates shall not have a financial interest in the direct sales or marketing of the organic product industry and shall be members or employees of representatives of recognized nonprofit organizations whose principal purpose is the protection of consumer health or protection of the environment. The technical representatives and their alternates shall not have a financial interest in the production, handling, processing, or marketing of the organic products industry. The technical representatives may be involved in organic research or technical review providing they have no financial benefit from results of the research project or technical review.

(c) An alternate member shall serve at an advisory committee meeting only in the absence of, and shall have the same powers and duties as, the category whom he or she is representing as alternate, except for duties and powers as an officer of the committee. The number of alternates present who are not serving in the capacity of a member shall not be considered in determining a quorum.

(d) An alternate member may serve at an advisory committee subcommittee meeting only in the absence of, and shall have the same powers and duties as, the member whom he or she is designated as alternate, except for duties and powers as a subcommittee chairperson.

(e) The members of the advisory committee and their alternates described in subdivision (b) shall be reimbursed for the reasonable

expenses actually incurred in the performance of their duties, as determined by the advisory committee and approved by the secretary.

(f) The secretary or his or her representative, State Director of Health Services, or his or her representative, and a county agricultural commissioner may serve as ex officio members of the advisory committee.

Approved _____, 2009

Governor